REMARKS

The Office Action dated October 14, 2009, (hereinafter "Office Action") has been received and carefully considered. In this response, claims 1, 3, and 19 have been amended. No new matter has been added. Entry of the amendments to claims 1, 3, and 19 is respectfully requested. Reconsideration of the current rejections in the present application is also respectfully requested based on the following remarks.[1]

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-4, 6-21, AND 23-30

On page 3 of the Office Action, claims 1-4, 6-21, and 23-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0229525 to Callahan et al. ("Callahan") in view of U.S. Patent No. 6,856,973 to Bott ("Bott") and further in view of U.S. Patent Application No. 2002/0129221 to Borgia et al. ("Borgia"). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). There are four separate factual inquiries to consider in making an obviousness determination: (1) the scope and content of the prior art; (2) the level of ordinary skill in the field of the invention; (3) the differences between the claimed invention and the prior art; and (4) the existence of any objective evidence,

[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

or "secondary considerations," of non-obviousness. Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); see also KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007). An "expansive and flexible approach" should be applied when determining obviousness based on a combination of prior art references. KSR, 127 S. Ct. at 1739. However, a claimed invention combining multiple known elements is not rendered obvious simply because each element was known independently in the prior art. Id. at 1741. Rather, there must still be some "reason that would have prompted" a person of ordinary skill in the art to combine the elements in the specific way that he or she did. Id.; In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1380 (Fed. Cir. 2007). Also, modification of a prior art reference may be obvious only if there exists a reason that would have prompted a person of ordinary skill to make the change. KSR, 127 S. Ct. at 1740-41.

Regarding claim 1, the Office Action asserts that Callahan in view of Bott and further in view of Borgia discloses the claimed invention. Applicants respectfully disagree, however, Applicants have amended claims 1 to more specifically define the claimed invention. In particular, Applicants respectfully submit that Callahan fails to disclose, or even suggest, among other things, the following claim recitations of claim 1 as follows: "the step of assessing the business impact on the enterprise further comprises: assessing an impact on external customers of the enterprise resulting from the degradation of the services from the outside service provider; assessing an impact on internal customers of the enterprise resulting from the degradation of the services from the outside service provider, wherein the internal customers of the enterprise include at least a person that is associated with the enterprise to implement one or more internal applications of the enterprise; assessing a financial impact resulting from the degradation of the services from the outside service provider; assessing an allowable time period that the degradation of the services from the outside service provider can last; and assessing an impact on

regulatory obligations resulting from the degradation of the services from the outside service provider, wherein the impact on regulatory obligation includes a financial penalty," as recited in claim 1 (emphasis added).

Applicants respectfully submit that Callahan (or any of the other cited references) fails to disclose, or suggest, alone or in combination, the claimed step of assessing the business impact on the enterprise which comprises: (1) "assessing an impact on external customers of the enterprise resulting from the degradation of the services from the outside service provider;" (2) "assessing an impact on internal customers of the enterprise resulting from the degradation of the services from the outside service provider, wherein the internal customers of the enterprise include at least a person that is associated with the enterprise to implement one or more internal applications of the enterprise;" (3) "assessing a financial impact resulting from the degradation of the services from the outside service provider;" (4) "assessing an allowable time period that the degradation of the services from the outside service provider can last;" and (5) "assessing an impact on regulatory obligations resulting from the degradation of the services from the outside service provider, wherein the impact on regulatory obligation includes a financial penalty," as recited in claim 1. Specifically, it appears that the Office Action interprets that the company's consumer customer information of Callahan to be "external customers" and "internal customers," as recited in claim 1. Applicants respectfully disagree. In contrast, Callahan merely mentioned consumer customer information several times throughout the disclosure, and nowhere does Callahan disclose, or even suggest, that the consumer customer information are "external customers" and "internal customers," "wherein the internal customers of the enterprise include at least a person that is associated with the enterprise to implement one or more internal applications of the enterprise," as recited in claim 1. Callahan, at most, discloses a way for the

enterprise to identify perceivable threats, evaluate the likelihood of those threats, and look at policies, procedures. *See, e.g.,* paragraph [0025]. Also, Callahan merely discloses that a team lead or administrator may need to look at areas that deal with matters that require compliance monitoring, for example, consumer customer information in the case of the GLBA. *See, e.g.,* paragraph [0026]. Thus, Applicants respectfully submit that Callahan, at most, discloses monitoring consumer customer information, and fails to disclose, or even suggest, "assessing an impact on external customers of the enterprise resulting from the degradation of the services from the outside service provider;" and "assessing an impact on internal customers of the enterprise resulting from the degradation of the services from the outside service provider, wherein the internal customers of the enterprise include at least a person that is associated with the enterprise to implement one or more internal applications of the enterprise," as recited in claim 1.

Also, it appears that the Office Action interprets that Gramm-Leach-Bliley Act (GLBA) of Callahan as "assessing an impact on regulatory obligations from the degradation of the services from the outside service provider," as recited in claim 1. Applicants respectfully disagree. In contrast, Callahan, at most, discloses that the Gramm-Leach-Bliley Act (GLBA) provides for regulations which require that risk assessment and management controls be implemented across an enterprise in a consistent manner to protect consumer personal information. *See, e.g.,* paragraph [0002]. Also, Callahan discloses that a large enterprise using a corporate intranet to facilitate the carrying out of assessments and monitoring compliance with the GLBA. *See, e.g.,* paragraph [0020]. Thus, Applicants respectfully submit that Callahan, at most, discloses risk assessment and monitoring compliance with the GLBA and fails to disclose, or even suggest, fails to disclose, or even suggest, "assessing an impact" of the incompliance

with the GLBA or "assessing an impact on regulatory obligations from the degradation of the services from the outside service provider," as recited in claim 1. Furthermore, Callahan fails to disclose, or even suggest, "assessing an impact on regulatory obligations resulting from the degradation of the services from the outside service provider, wherein the impact on regulatory obligation includes a financial penalty," as recited in amended claim 1.

Further, Applicant particularly notes that the Office Action fails to cite to a specific excerpt from Callahan which teaches or suggests the step of "assessing an allowable time period that the degradation of the services from the outside service provider can last." As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully submit that none of the other cited references make up for Callahan's deficiencies in this regard. Accordingly, Applicants respectfully submit that claim 1 is allowable over Callahan in view of Bott and further in view of Borgia.

Regarding claims 2-4 and 6-18, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2-4 and 6-18 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 19, while different in overall scope from independent claim 1, this claim recites subject matter related to independent claim 1. Thus, the arguments set forth above with respect to independent claim 1 are equally applicable to claim 19. Accordingly, Applicants

respectfully submit that claim 19 is also allowable over Callahan in view of Bott and further in view of Borgia for the same reasons as set forth above with respect to independent claim 1.

Regarding claims 20-30, these claims are dependent upon independent claim 19. Thus, since independent claim 19 should be allowable as discussed above, claims 20-30 should also be allowable at least by virtue of their dependency on independent claim 19. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, Applicants respectfully request that the aforementioned obviousness rejections of claims 1-4, 6-21, and 23-30 be withdrawn.

II. CONCLUSION

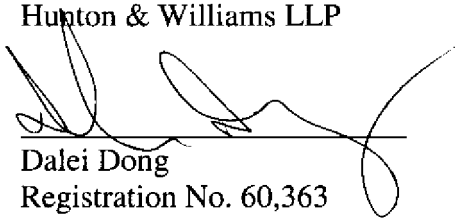
In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

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